S.B.CIVIL SECOND APPEAL NO.277/2005

Nand Lal
vs.
Azad Saw Mill and others.

DATE OF JUDGMENT ::: 3.1.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. Salil Trivedi, for the appellant.
Mr. MS Panwar, for the respondents.

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Heard learned counsel for the parties.

The plaintiff/respondent no.1 filed a suit for permanent injunction against the appellant and other respondents which was decreed in toto by the trial court vide judgment and decree dated 17.4.2000 against which the defendant/appellant preferred first appeal which was partly allowed by the first appellate court vide its judgment and decree dated 15.12.2000 and the appellate court modified the decree and restrained the defendant/appellant from evicting the plaintiff/respondent from the suit premises without following due process of law. Meaning thereby, the defendant's right to evict the plaintiff from the suit premises by following the process of law was specifically saved.

After going through the facts of the case and looking to the nature and purpose for which the property was let out by the defendant/appellant to the plaintiff, I do not find that two courts below committed any illegality.

In view of the above, I do not find any substantial question of law involved in this appeal, therefore, this appeal deserves to be dismissed, hence, dismissed.

(PRAKASH TATIA), J.

S.Phophaliya